

BRAIN INJURY RIGHTS GROUP

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January 8, 2024

MEMO ENDORSED

VIA ECF

Hon. Dale E. Ho
 United States District Judge
 Southern District of New York
 40 Foley Square
 New York, New York 10007

Re: *Mejia et al. v. Banks et al.*, 23-cv-06401 (DEH)

Dear Judge Ho:

As you may recall, the undersigned represents the Plaintiffs in the above-referenced matter.

On July 24, 2023, Janeris Rodriguez Mejia, both individually and as the parent and natural guardian of E.D., commenced this action against David C. Banks in his official capacity as Chancellor of the New York City Department of Education and the New York City Department of Education by filing a Complaint with the Court. [ECF No. 1]. The Plaintiff filed a First Amended Complaint on August 24, 2023 [ECF No. 26], and the Defendants filed an Answer on October 4, 2023. [ECF No. 36].

The Plaintiffs moved for summary judgment on October 17, 2023 [ECF No. 37], and the Defendants cross-moved for summary judgment on the same day. [ECF No. 39]. The Court denied these motions without prejudice as premature, and they were stricken from the docket. [ECF No. 41]. This matter was then reassigned to Your Honor. [Minute Entry on October 28, 2023].

On December 5, 2023, Your Honor issued an Order that included, *inter alia*, a briefing schedule for the Parties' anticipated motions for summary judgment. Your Honor also waived the Parties' filing of a Statement of Material Facts under Local Rule 56.1, considering their planned submission of the administrative record. [ECF No. 45].

Plaintiffs' motion for summary judgment is due tomorrow—Tuesday, January 9, 2024. Plaintiffs respectfully ask the Court to allow them to file the Certified Administrative Record under seal. The underlying administrative proceedings involve a minor Student with disabilities whose name, date of birth, and other personal information in the Certified Administrative Record must be sealed to the public. The Certified Administrative Record is typically filed under seal in cases like this, as it is not practical to find and redact all the Student's personal information in such an extensive record.

The Plaintiffs thank the Court for its courtesy and consideration.

Respectfully submitted,

Rory J. Bellantoni

Rory J. Bellantoni (RB 2901)

Cc: All Counsel of Record via ECF.

Application GRANTED.

Plaintiff may file the Certified Administrative Record under seal.
The Clerk of Court is respectfully requested to close ECF No. 46.

SO ORDERED.



Dale E. Ho
United States District Judge
Dated: January 9, 2024
New York, New York